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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,414	07/31/2001	Haruki Hiranuma	S004-4358	4207

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EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,414

Applicant(s)

HIRANUMA ET AL.

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6-8,12-15,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 2,4,8,12-14,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the IDS file 6/30/2005 by applicant, several of the claims previously indicated as being allowable are now rejected as set forth below. The finality of the previous Office action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese application 10-282260 to Hatanawa. The reference discloses a wrist watch including inner case body with a timepiece movement 4 disposed therein, outer case body 1 containing the inner case body, strap attached to thereto (see p. 2 of translation), rotatable bezel 2 for fixing the inner case body to the outer case body by sandwiching the inner case body between the outer case body and the bezel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 8, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference to Hatanawa. With respect to these claims, a "bayonet structure" is claimed for removably mounting the bezel to the main body. The specification lacks a specific definition of the term "bayonet structure"; therefore, a broadest reasonable definition of the term is considered when applying the prior art to the claims. The generally accepted definition of a bayonet is that of a blade" or similar structure, also referring to the manner of attachment. The threaded connections 8 and 10 on the bezel and outer case body, respectively, meets this definition. Further, the details of the bayonet structure set forth in claims, i.e. a projected portion on one of the bezel and main body and recess portion on the other of these is met in the reference with the conventional screw thread structure defining a projected portion as being the threads, and the areas between the threads as defining the recess portion.
4. Regarding claim 2, and elastic member 22 mounted on the bezel for urging the bezel away from the main body is further disclosed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference to Hatanawa in view of the U.S. Patent to Biver. The bayonet structure defined in claim 13 is shown in the Biver reference with first projections 8,9,10 on a case body 1 and second projections 11, 12, 13 on the bezel for engagement as claimed by applicant. This conventional structure for attaching two timepiece portions would be recognized by one skilled in the art as applicable to any other case and bezel combination. Thus, it would be obvious for one of ordinary skill in the art, having both references, to substitute the bayonet structure as claimed and shown in Biver for the screw threaded structure of the Hatanawa device as an alternative means for attaching the two components and to provide the added benefits of this construction.

6. An elastic member 22 is further shown in Hatanawa, as claimed in claim 14. A groove in outer body 1 accommodating elastic member 22 is not specifically disclosed in the reference. However, one of ordinary skill in the art would provide such a

groove in outer body 1 for elastic member 22 in order to further secure elastic member in body 1 and to reduce the space occupied by member 22.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference to Hatanawa, as applied to claim 12 above, in further view of Eschle. The latter reference teaches placement of marks on a rotatable bezel including mark hole 12 for alignment with the watch case. It would be obvious for one skilled in the art to provide such marks in the reference for properly aligning the bezel with the case.

8. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 6-7 are allowed.

Art Unit: 2841

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM
8/13/2005


Vit Miska
Primary Examiner